

SENATE BILL 2253

By Rochelle

AN ACT to amend Tennessee Code Annotated, Title 55, relative to motor and other vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-12-129, is amended by inserting the following language as a new, appropriately designated subsection:

() (1) Any person required to pay a reinstatement or restoration fee for a driver license pursuant to this section may petition the department, on a form prescribed by the commissioner, to establish an installment payment plan.

(2) Upon successful application, such person may enter into a payment plan subject to the terms and conditions established by the department.

(3) The department is hereby authorized to reinstate a person's driving privileges when such person enters into a payment plan with the department and has satisfied all other provisions of law relating to the issuance and restoration of a driver license.

(4)(A) The department, upon such person's failure to comply with the department's payment plan, shall issue, by regular mail to the person's last known address, a notice of intent to suspend the license of such person in thirty

(30) days. For the purposes of this subdivision, "failure to comply" means failure to pay any installment payment on the date due.

(B) Upon request of such person within thirty (30) days of the sending of such notification, the department shall provide the person an opportunity for a hearing to show that such person has, in fact, complied with the department's payment plan. Failure to make such request within thirty (30) days of receipt of notification shall, without exception, constitute a waiver of such right.

(C) Upon waiver of a hearing, or determination of default at the hearing, the department shall suspend the person's driver license pending full payment of all fees authorized by this section.

(D) The Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, applies to the extent it is consistent with proceedings under this subsection.

(5) A person who defaults on any installment payment plan authorized pursuant to the provisions of this subsection shall not be eligible for any future payment plans.

(6) The commissioner shall establish reasonable criteria for participation in the installment payment plan authorized by this subsection. The department shall promulgate rules and regulations pursuant to Title 4, Chapter 5, to effectuate the provisions of this subsection.

SECTION 2. Tennessee Code Annotated, Section 55-50-502(d), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) The provisions of this subsection apply only in counties having a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any

subsequent federal census and in counties having a metropolitan form of government and a population in excess of one hundred thousand (100,000) according to the 1990 federal census or any subsequent federal census.

SECTION 3. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on January 1, 2001, the public welfare requiring it.